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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,807	02/27/2004	Ming-Sheng Tung	251613-1020	7848
24504	7590	01/09/2006		EXAMINER
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP				NOVACEK, CHRISTY L
100 GALLERIA PARKWAY, NW				
STE 1750			ART UNIT	PAPER NUMBER
ATLANTA, GA 30339-5948				2822

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EY

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/788,807	TUNG ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Christy L. Novacek	2822	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2.  The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13.  Other: \_\_\_\_\_.

***Advisory Action***

This office action is in response to the after-final response filed December 14, 2005.

***Response to Arguments***

Applicants arguments filed December 14, 2005 have been fully considered, but they are not persuasive.

Regarding Applicant's argument that the final rejection is allegedly improper because new grounds of rejection were used to reject 3, 7 and 10, it is pointed out that claims 3, 7 and 10 are dependent claims. In the previous amendment, claims 1 and 8 were amended such that new grounds of rejection were required to reject the claims. Because claims 1 and 8 were amended and because claims 3, 7 and 10 are dependent upon claims 1 or 8, the amendment also required new grounds of rejection to reject these claims. Hence, the final rejection is proper.

Regarding the rejection of claims 1 and 8 as being anticipated by Quek, Applicant argues that Quek does not anticipate these claims because Quek allegedly does not refer to layers 11 and 7 as "a liner". However, Applicant has not pointed to any aspect of layers 11 and 7 that would keep them from being "a liner", in so far as the term is used in the claims. Layers 7 and 11 surround the gate and lie in close proximity thereto, so layers 7 and 11 are deemed to sufficiently meet the limitation of being "a liner" on the sidewall of the gate.

Regarding the rejection of claims 1 and 8 as being anticipated by Quek, Applicant argues that Quek does not anticipate these claims because Quek allegedly does not teach "the pocket region can be formed only for surrounding one of the source/drain regions 9." However, this argument is moot in view of the fact that neither claim 1 nor claim 8 recite this limitation.

Regarding the rejection of claims 3, 4, 7, 10, 11 and 14 as being unpatentable over Quek in view of Park or Oyamatsu, Applicant argues that the limitations recited in these claims allegedly produce unexpected results. However, Applicant has not provided any evidence or argument as to what these “unexpected results” are.

Regarding the rejection of claims 3 and 10 as being unpatentable over Quek in view of Park, Applicant argues that there is allegedly not sufficient motivation to combine the references. The motivation to combine the references is that it is well-known in the art (as discussed by Park) to form silicide regions on a gate of a transistor for the purposes of decreasing the resistance of the transistor.

Regarding the rejection of claims 7 and 11 as being unpatentable over Quek in view of Oyamatsu, Applicant argues that there is allegedly not sufficient motivation to combine the references. The motivation to combine the references is that it would be faster to form an oxide layer on the sidewalls of the gate by a rapid thermal oxidation method than a method in which the layer has to be deposited by a precursor.

Therefore, all grounds of rejection stated in the previous office action are maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (571) 272-1839. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on (571) 272-2429. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLN

January 3, 2006

  
SANDRA V. SMITH  
SUPERVISORY PATENT EXAMINER  
4 January 2006